IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WA.No. 1392 of 2004(A)

AGAINST THE JUDGEMENT IN WPC.40037/2003
.....

APPELLANT: RESPONDENT IN W.P:

KERALA WATER AUTHORITY,
ASST.EXECUTIVE ENGINEER, W.S. SECTION,
I AND II SUB DIVISION, KERALA WATER AUTHORITY,
KALAMASSERY.

BY ADV. SRI.BABU VARGHESE, SC, KWA

RESPONDENT: PETITIONER IN W.P:

ECONOMIC FOOD SOLUTION (P) LTD.,
DEVELOPMENT AREA, KALAMASSERY, REPRESENTED BY ITS
MANAGING DIRECTOR, CYRIAC JOSEPH, RESIDING AT
SRAMBICAL HOUSE, NETAJI NAGAR ROAD,
EDAPPALLY NORTH-682 024.

BY ADV. SRI.A.V.XAVIER
SRI.JOLLY JOHN

THIS WRIT APPEAL HAVING BEEN COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.A.No.1392 of 2004 &
C.M.Appln.No.1513 of 2004

Dated, this the 7th day of December, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

Delay condoned.

2. The petitioner now arrayed as respondent in the present writ appeal was declined water connection by the Kerala Water Authority as the previous occupant of the industrial premises was a defaulter. In so far as the petitioner is concerned, he was a fresh allottee and as per the case set up by him he could not be asked to pay the money payable by the earlier allottee. This contention has been accepted by the learned Single Judge in the impugned order dated 18th December, 2003 which has been challenged in the present writ appeal. Prima facie, it appears that the learned Single Judge has arrived at a correct conclusion and there may not be any scope for interference in the impugned

order. However, as no one has chosen to appear in support of this writ appeal we dismiss the same for non-prosecution.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns